

From: Siegelbaum, Jill
Sent: Thursday, August 06, 2009 3:34 PM
To: Perry, Camilla
Cc: Sasser, Tracey; Arrington, Angela
Subject: RE: Recent FOIA Requests

(b)(5)

From: Perry, Camilla
Sent: Thursday, August 06, 2009 3:26 PM
To: Siegelbaum, Jill
Cc: Sasser, Tracey; Arrington, Angela
Subject: RE: Recent FOIA Requests

Jill, yes—we have 2 requests for the last name Vogel: 09-001621-F and 09-01623-F. they were received on or about 7/30/09. Looks like for the first case, OS indicates they have no docs—and this case is in the queue to be assigned to a FOIA Public Liaison. (b)(5)

(b)(5)

D. Camilla Perry, MBA, CIPP/G
 Acting Director, FOIA Service Center
 Regulatory Info. Mgmt. Services
 Office of Management
 U.S. Department of Education
 Office: 202.205.3885
 Email: camilla.perry@ed.gov

Please let us know how OM is doing by clicking this link to provide customer feedback: <https://www.allegiantecetech.com/empfeedback/feedbackLoop.jsp?companyId=1761893>

From: Siegelbaum, Jill
Sent: Thursday, August 06, 2009 1:00 PM
To: Perry, Camilla
Cc: Sasser, Tracey; Arrington, Angela
Subject: FW: Recent FOIA Requests

Camilla-

Has the Department received a FOIA request similar to the one described below?

Thanks,

Jill

From: Negron, Michael A. [mailto:Michael_A._Negron@omb.eop.gov] **On Behalf Of** Bansal, Preeta D.
Sent: Thursday, August 06, 2009 10:29 AM
To: Dinneen, James; Rose, Charlie; Johnsonj@dodgc.osd.mil; Scott.Harris@hq.doe.gov; Katharine.Dickerson@hq.doe.gov; Hirsch.Pat@epa.gov; David.Trissell@dhs.gov; Ivan.Fong@dhs.gov; Daniel.grant@dhs.gov; Travis.Bailey@hhs.gov; Art.Gary@ios.doi.gov; Smith.Patricia@dol.gov; Robert.Rivkin@dot.gov; Helen.R.Kanovsky@hud.gov; Sara.Lipscomb@SBA.gov; CKerry@doc.gov; Aloma.Shaw@do.treas.gov; George.Madison@do.treas.gov; kohhh@state.gov; david.cade@hhs.gov; Will.Gunn@va.gov; Williams, Kay; Dedeo, Carol - SOL; Donoghueje@state.gov; Perrelli, Thomas J.; Barron, David; Meltzer, Daniel; Hilary.Tompkins@sol.doi.gov; Rhee, Jeannie; Bernard.Knight@do.treas.gov; Sadler.Robert2@dol.gov; MathiasS@state.gov; Gray, Danielle; NLamb-Hale@doc.gov; stephen.redmon@va.gov;

Elizabeth.Gianturco@hhs.gov; lindy.knapp@dot.gov; Cedarbaum, Jonathan; Rosenfelt, Phil; Roberts, Blake C.; Weideman, Christian; Gonzalez, Roberto J.

Cc: Bansal, Preeta D.; Bershteyn, Boris; Aitken, Steven D.; Bender, Stuart; Negron, Michael A.

Subject: Recent FOIA Requests

TO ALL AGENCY GC's from OMB GC:

1. Ken Vogel, a POLITICO reporter, submitted two broad FOIA requests to OMB on July. We have learned that many other agencies besides OMB may have received similar requests.

-- The first request asks for, roughly speaking, all emails and correspondence between a long list of media outlets and OMB regarding questions by the media and the responses by agency employees and officials. The request also encompasses communications between OMB and the White House Press Office regarding any media organizations or their officials.

-- The second request asks for all ethics waivers granted to all political appointees, letters of recusal and related matters, and specifically includes any and all communications received from or sent to the White House Counsel's office concerning the same. The request appears to be seeking waivers concerning the President's Executive Order on Ethics.

In response to our questions about the breadth and burdensomeness of the first request, the version of POLITICO's first request to OMB has narrowed considerably, and may narrow some more. Moreover, we are working to ensure that the second request does not result in the production of attorney-client or other privileged communications. In both cases, we will work with the WH Counsel's office to ensure that WH-related documents are produced only in coordination with WH Counsel's advance review.

2. We are happy to compare notes with you in responding to the requests.
3. Moreover, as a reminder, to the extent that these requests implicate documents with White House equities, agency GC offices should consult in advance with White House Counsel, consistent with the memorandum sent by White House Counsel to all agencies. Agencies can contact their usual White House Counsel point of contact or Blake Roberts (202-456-2948, broberts@who.eop.gov).

Preeta D. Bansal
OMB General Counsel and Senior Policy Advisor
202-395-5044

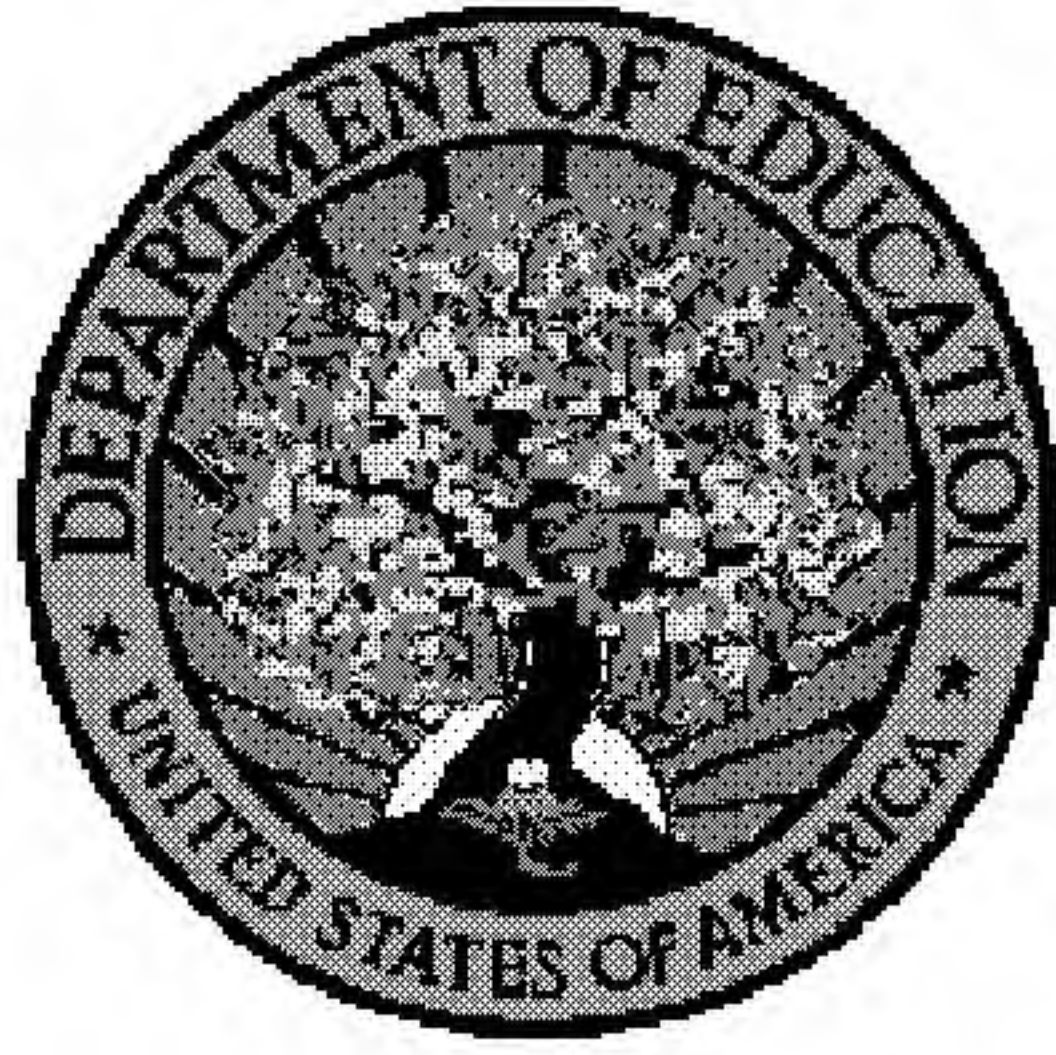
09-01623-F

Notes:

8/6/09: (b)(5)
Camilla

8/14/09: Teresa Garland send email to FOIA office on 7/30/09 stating OS had no responsive docs and should be handled by OGC.tm

8/17/09: OLCA has no responsive documents. Tt



Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4536

SUBJECT: FOIA 09-01623-F Kenneth P. Vogel

DATE: 07/30/2009

Dear FOIA Coordinator:

A FOIA request has been referred to M for action.

FROM: Kenneth P. Vogel

Please provide the following requested items:

The listed communications, waivers, and letters of recusal. See request for all details.

Requested Date:

07/28/2009

Date Received in OM/RIMS:

07/30/2009

MULTI-TRACK TYPE:

Complex

Completion Target Date for M:

08/27/2009

****Please note that a copy of the initial request is located and can be viewed in FOIAXpress under the correspondence log for this case.*

ADDITIONAL NOTES:

Thank you,

FOIA Service Center

ED FOIA Manager

From: Ken Vogel [kvogel@politico.com]
Sent: Tuesday, July 28, 2009 3:44 PM
To: Barber, Delores J. (OM); ED FOIA Manager
Subject: POLITICO FOIA request 2

OM-RIMS, OS
OLCA
09-01623-F

To Whom It May Concern:

This is a request under the Freedom of Information Act (5 U.S.C. § 552).

I request that a copy of the following documents be provided to me:

1 – Any and all waivers granted to Department of Education political appointees who were appointed during the Obama administration to President Obama's Executive Order 13490 (Ethics Commitments By Executive Branch Personnel), including but not limited to waivers to Section 1, paragraphs 1, 2, 3, 4, 5, 6 and 7. I am seeking waivers issued to both appointees who were registered as lobbyists under the Lobbying Disclosure Act and to appointees who were not registered as lobbyists.

2 – Any and all letters of recusal signed by Obama administration Department of Education political appointees barring or clearing them to participate in "particular matter[s]" or "specific issue area[s]" directly and substantially related to their former clients or employers, as set forth in President Obama's Executive Order on Ethics Commitments By Executive Branch Personnel. I am seeking letters of recusal issued to both appointees who were registered as lobbyists under the Lobbying Disclosure Act and to appointees who were not registered as lobbyists.

3 – Any and all communications received from or sent to The White House, the Obama administration political appointees in question or their representatives by employees of the Department of Education related to waivers or letters of recusal pursuant to President Obama's Executive Order on Ethics Commitments By Executive Branch Personnel, including, but not limited to, emails, notes, letters and phone messages sent by, or received from, the White House Special Counsel for Ethics Norman L. Eisen.

4 – Any and all communications received from or sent to the employers or business partners of Obama administration political appointees by employees of the Department of Education related to determining the "particular matter[s]" and "specific issue area[s]" on which the appointees worked, as well as the clients for which they worked.

I am a reporter for POLITICO – a newspaper publishing five days per week and website updated 24 hours a day, seven days a week – and this request is made as part of news gathering. I request expedited processing of this request because it concerns a matter of urgency: public trust in government.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the Act. Please release all segregable portions of otherwise exempt material.

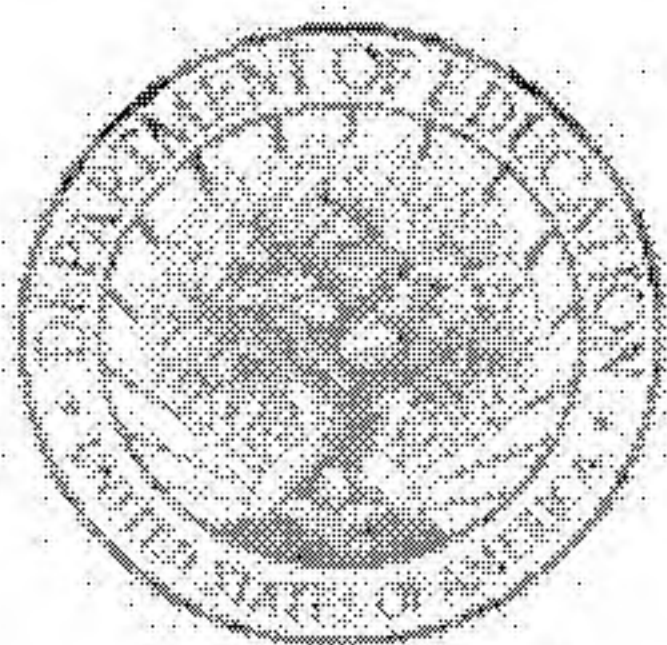
Please let me know if there is anything I can do to make this request easier or faster to process. As I am making this request as a journalist and this information is of timely value, I would appreciate your communicating with me by telephone (b)(6) or email (kvogel@politico.com) if you have questions regarding this request.

Sincerely,
Ken

Kenneth P. Vogel
POLITICO
1100 Wilson Blvd., 6th floor
Arlington, VA 22209

www.politico.com

RECEIVED JUL 30 2009



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF MANAGEMENT

Regulatory Information Management Services

August 12, 2009

Kenneth P. Vogel (kvogel@politico.com)
1100 Wilson Blvd., 6th Floor
Arlington, VA 22209

RE: FOIA Request No. 09-01623-F

Dear Mr. Vogel:

This is an electronic-mail (e-mail) response to your e-mail request of June 18, 2009, requesting information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, that was received in this office on June 18, 2009. Your requests have been assigned case numbers 09-01623-F and assigned to the appropriate offices within the Department to search for documents that may be responsive to your request. Copies of your requests are attached.

You have asked for expedited processing of your requests. That request is denied. The Department has concluded that you have not demonstrated a compelling need for the information. In addition, you have not substantiated that there is an urgency to inform the public concerning any actual or alleged Federal Government activity.

Should you still wish to claim that your request should be granted expedited processing, you must provide more specific and detailed evidence to support your claims under each statutory requirement described in our FOIA regulations (available on the internet at: http://www.access.gpo.gov/nara/cfr/waisidx_05/34cfr5_05.html) and outlined in the attachment to this letter.

You have the right to appeal the expedited processing denial within 30 days of the date of this letter. Your written appeal should be accompanied by a copy of your initial letter of request and this denial letter, and should contain any evidence or argument you wish the Department to consider in making an administrative determination on your appeal.

Appeal Address:

U.S. Department of Education
Office of Management
400 Maryland Avenue, SW, LBJ 2W311
ATTN: FOIA Appeals Office
Washington, DC 20202-4500

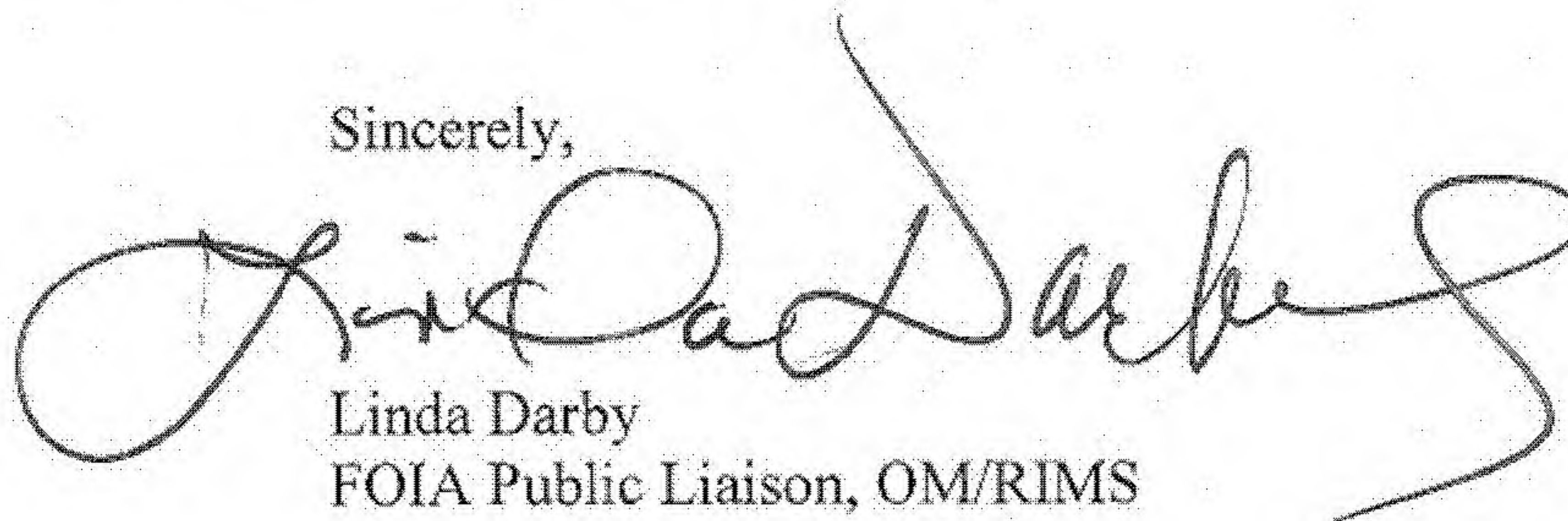
400 MARYLAND AVE., S.W., WASHINGTON, DC 20202-4500
www.ed.gov

Our mission is to ensure equal access to education and to promote educational excellence throughout the Nation.

Or, you may complete the online FOIA appeal form, located at:
http://www.ed.gov/policy/gen/leg/foia/foia_appeal_form_1.html.

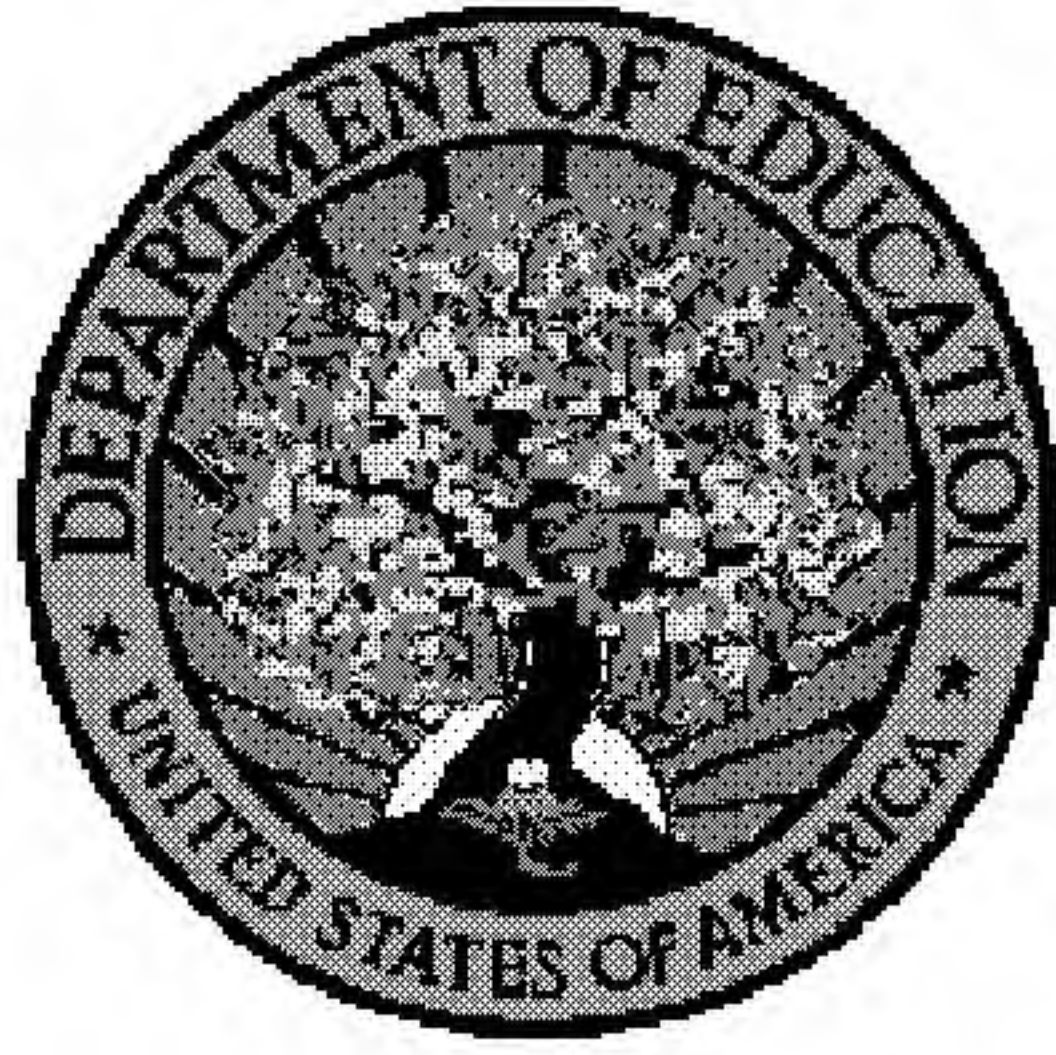
If you have any questions, or would like the original signed copy of this letter, please contact
the FOIA Requester Service Center at (202) 401-8365 or via e-mail at
EDFOIAManager@ed.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Darby", with a large, stylized flourish extending from the end of the signature.

Linda Darby
FOIA Public Liaison, OM/RIMS

Attachment



Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4536

SUBJECT: FOIA 09-01623-F Kenneth P. Vogel

DATE: 08/05/2009

Dear FOIA Coordinator:

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FROM: Kenneth P. Vogel

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Requested Date:

07/28/2009

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07/30/2009

MULTI-TRACK TYPE:

Complex

Completion Target Date for M:

08/27/2009

****Please note that a copy of the initial request is located and can be viewed in FOIAXpress under the correspondence log for this case.*

ADDITIONAL NOTES:

Thank you,

FOIA Service Center